Paper No. 8

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte OLE K. NILSSEN

Appeal No. 97-1171
Application 08/488,171[1]

ON BRIEF

Before THOMAS, HAIRSTON and KRASS, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 11.

The disclosed invention relates to an arrangement whereby the amount of power flowing into power input terminals is

[1] Application for patent filed June 12, 1995. According to appellant, the application is a continuation-in-part of Application 07/886,313, filed May 22, 1992, now abandoned, which is a continuation of Application 07/512,572, filed April 9, 1990, now abandoned, which is a continuation of Application 06/773,066, filed September 6, 1985, now abandoned.

compared with the amount of power flowing out of power output terminals to determine a difference between the two amounts of power. An activation signal is produced when the difference between the two amounts of power is greater than a predetermined amount.

Claim 3 is illustrative of the claimed invention, and it reads as follows:

3. In a system conditionally operative to transmit electric power from a source to a remote load; the source including a circuit breaker having an activation input and being responsive on receipt of an activation signal to prevent the source from supplying electric power; the improvement comprising:
first sensor associated with the source and operative to provide a first signal indicative of the amount of power supplied from the source;
second sensor associated with the load and operative to provide a second signal indicative of the amount of power being received by the load; and
an electronic circuit connected by way of a communication path with each of said sensors; the electronic circuit having an activation output connected with the activation input and being operable to provide said activation signal in response to a predetermined minimum difference in the amount of power supplied by source and that received by said load.

The references relied on by the examiner are:

Staad et al. (Staad)	3,764,883	Oct. 9, 1973
Bereskin	4,159,499	June 26, 1979

Mason, “Protective Relaying,” John Wiley & Sons, Inc., 1956, pages 63 through 69, 287 and 288.

Claims 1 through 11 stand rejected under the first paragraph of 35 U.S.C. § 112 because the specification as originally filed does not provide support for the invention as claimed.

Claims 1 through 11 stand rejected under 35 U.S.C. § 103 as being unpatentable over Mason in view of Bereskin and Staad.

Reference is made to the brief, the answer and several prior Office Actions[2] for the respective positions of the appellant and the examiner.

OPINION

All of the rejections are reversed.

The lack of written description rejection of claims 1 through 11 is reversed because the objected to phrase on page 6 of the specification is not in the claims on appeal.

Turning to the obviousness rejection of claims 1 through 11, Mason uses overcurrent relays to determine a current differential or overcurrent. On page 68, Mason indicates that another type of differential-relay arrangement uses an

[2] The Answer may properly refer to a single prior Office Action. The obviousness rejection in the Answer refers to two previous Office Actions (paper numbers 2 and 4).

overvoltage relay instead of an overcurrent relay. Bereskin uses a voltage sensor 42 connected across the neutral winding 22W of a core 36 (Figure 1) to sense a drop in voltage to thereby trip circuit breaker 46 via mechanical actuator 44 (column 4, lines 31 through 42). Staad discloses a comparator 6 connected across the input and the output of power amplifier 2 (Figure 1). If the output voltage of the power amplifier becomes smaller than the input voltage to the power amplifier, "then the output voltage of the comparator 6 becomes positive, the transistor T conducts, the relay A is actuated and the rest contact a opens, so that the current supply to the corona electrode 5 is interrupted" (column 3, lines 13 through 19). In summary, the obviousness rejection of claims 1 through 11 is reversed because all of the claims on appeal require power sensing and comparison, and the applied prior art neither teaches nor would have suggested the sensing and comparison of power readings.

DECISION

The decision of the examiner rejecting claims 1 through 11 under the first paragraph of 35 U.S.C. § 112 and 35 U.S.C. § 103 is reversed.

REVERSED

JAMES D. THOMAS Administrative Patent Judge	)	
KENNETH W. HAIRSTON Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND

) INTERFERENCES
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)
ERROL A. KRASS)
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